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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 LAWRENCE ADAMS,

12 Plaintiff,

13 v.

14 MICHAEL J. ASTRUE, Commissioner of
15 Social Security,

16 Defendant.

Case No. C08-5342FDB-KLS

ORDER REGARDING SERVICE
OF COMPLAINT

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18 This matter has been referred to Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. §
19 636(b)(1)(B), Local Rule MJR 4(a)(4), and as authorized by Matthews, Secretary of H.E.W. v. Weber,
20 423 U.S. 261 (1976). Plaintiff has been granted leave to proceed *in forma pauperis*. The Court hereby
21 finds and orders as follows:

22 On May 29, 2008, plaintiff filed his complaint, application to proceed *in forma pauperis* and
23 summons directed to the United States Attorney and the Commissioner of Social Security. (Dkt. #1). On
24 June 5, 2008, the Court granted plaintiff's application, conferring *in forma pauperis* upon him, and the
25 Clerk issued and returned to plaintiff's counsel the summons. (Dkt. #2 and #4). However, to date, it does
26 not appear that the summons or complaint has been served.

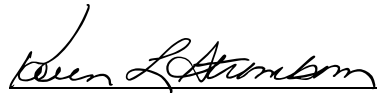
27 Plaintiff "is responsible for having the summons and complaint served within the time allowed
28 by" Federal Rule of Civil Procedure ("Fed. R. Civ. P.") 4(m), and "must furnish the necessary copies to
the person who makes service." Fed. R. Civ. P. 4(c)(1). Service must be completed "within 120 days

1 after the complaint is filed,” in the manner prescribed within Fed. R. Civ. P. 4. Fed. R. Civ. P. 4(m).
2 Failure to so effect service on defendant may result in dismissal of the action without prejudice or an
3 “order that service be made within a specified time.” Id.

4 As noted above, plaintiff filed the complaint with this Court on May 29, 2008, and his application
5 to proceed *in forma pauperis* was granted on June 5, 2008. As it does not appear that service has been
6 effected in this case, and more than 120 days will have passed since the complaint was filed as of October
7 3, 2008, plaintiff hereby is ordered to complete service of the complaint on defendant in the manner
8 required by Fed. R. Civ. P. 4 within thirty (30) days as of the date of this order or **no later than October**
9 **23, 2008. Plaintiff is warned that failure to serve the summons and complaint as described herein**
10 **by the above date may result in dismissal of this case without prejudice.**

11 The Clerk is directed to send a copy of this Order to plaintiff.

12 DATED this 23rd day of September, 2008.

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16 Karen L. Strombom
17 United States Magistrate Judge
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